

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
WENDELL L. GRIFFEN, JUDGE

DIVISION III

CA07-94

June 6, 2007

TIFFANEY HAWKINS
APPELLANT

AN APPEAL FROM MILLER
COUNTY CIRCUIT COURT
[JV2004-286-2]

V.

HON. JIM HUDSON, JUDGE

ARKANSAS DEPARTMENT OF
HEALTH AND HUMAN SERVICES
APPELLEE

AFFIRMED; MOTION TO
WITHDRAW IS GRANTED

On February 7, 2005, the Miller County Circuit Court entered an order terminating Tiffany Hawkins's parental rights to her daughter, L.M. (born February 18, 2003). Her attorney has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004) and Ark. Sup. Ct. R. 4-3(j)(1). The clerk of this court sent a certified copy of counsel's brief and the motion to be relieved to appellant, informing her that she had the right to file pro se points for reversal under Ark. Sup. Ct. R. 4-3(j)(2). Another person signed for the package. The clerk delivered a second packet to a new address provided by counsel, but the second packet was returned as undeliverable. In any event, no pro se points were filed by appellant. Arkansas

Department of Health and Human Services (DHHS) did not file a brief.

Counsel's motion was accompanied by a brief listing all adverse rulings made at the termination hearing and explaining why there is no meritorious ground for reversal to each ruling, including a discussion of the sufficiency of the evidence to support the termination order based on evidence presented at all the prior proceedings that were incorporated in the record of the termination proceeding, as required by *Lewis v. Arkansas Department of Human Services*, 364 Ark. 243, 217 S.W.3d 788 (2005).

After carefully examining the record, we find that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit motions in termination cases, and we hold that the appeal is wholly without merit. We hold that the trial court's decision to terminate appellant's parental rights was not clearly erroneous where the record established: (1) appellant's one-year-old child (L.M.) was severely injured by a pit bull dog after she was left outside alone in proximity to the dog; (2) appellant returned the child to a residence where pit bulls were kept after DHHS issued a true finding of inadequate supervision; (3) L.M. was adjudicated dependent-neglected on August 30, 2005; (4) appellant failed to complete an inpatient program at the River Ridge substance abuse treatment facility; (5) appellant tested positive for a controlled substance on two occasions during February 2006; (6) appellant was unreliable concerning her places of residence on several occasions; (7) appellant failed to regularly or consistently exercise visitation with L.M.; and (8) appellant failed to obtain employment or steady housing so as to be able to provide for the needs of L.M.

Consequently, we grant counsel's motion to withdraw and affirm the order terminating appellant's parental rights.

Affirmed; motion to withdraw granted.

HART and GLOVER, JJ., agree.